

AFFIDAVIT

I, TFO Joshua Michael Tallman, being first duly sworn, hereby depose and state as follows:

AGENT BACKGROUND

1. I have been a sworn Law Enforcement Officer for approximately twelve years. I am currently a West Virginia State Trooper – Bureau of Criminal Investigation, State of West Virginia, and assigned fulltime to the Mountain Region Drug and Violent Crimes Task Force. I am also deputized by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as a Task Force Officer (TFO). My present post of duty is investigating Drug, Violent Crimes, and firearm violations within Upshur and surrounding counties.

2. I attended the 62nd Cadet Class at the West Virginia State Police Academy for 25 weeks during the end of 2011. During that training I was trained how to conduct drug, violent crime and firearms investigations. I hold a Bachelor of Science in Behavioral Science degree from Glenville State College and an Associate in applied Science Criminal Justice from the Community College of the Air Force.

3. As a West Virginia State Trooper – BCI Investigator and ATF Task Force Officer, I investigate felony, misdemeanor and petit offenses, and I conduct investigations with the Mountain Region Drug and Violent Crimes Task Force. Pursuant to my present and past duties, I

have participated in the execution of search warrants and arrest warrants, and I have participated in investigations of various cases involving violations of controlled substance and firearms laws.

PROBABLE CAUSE

4. On March 14, 2023, Christina Dawn COBB traveled to the Upshur County Sheriff's Office (UCSO) to file a complaint against her husband Bobby Joe COBB. Mrs. COBB spoke with Deputy Tanner R. Collins and reported that Mr. COBB has been threatening and harassing her, VIA text messages to her cellular telephone. Mrs. COBB explained that Mr. COBB has been threatening to kill her and her children if she does not comply with his demands and further advised that she has told him multiple times to stop contacting her.

5. Mrs. COBB provided Deputy Collins with a copy of the threatening messages that included these statements from Mr. COBB: "if I can't find you I'll kill one of your fucking kids," "Call Malone come and see me at 3 o'clock. I mean it. If you don't show up I hope you like them the love ones funerals," "move back in with me neither of your kids will die," and "you don't want them will die and you better be here at 3 o'clock today."

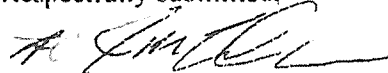
6. On March 16, 2023, Mrs. COBB contacted the UCSO about her ongoing issue with Mr. COBB. Mrs. COBB informed Deputy Collins that she has video surveillance on the outside of her and her husband's residence located at 289 Radabaugh Ridge Road, Buckhannon WV 26201 and she captured Mr. COBB on video carrying a firearm into their garage. Deputy Collins watched the video footage which was dated 03/15/2023 and was able to identify Mr. COBB because he has dealt with him on previous occasions. Deputy Collins observed Mr. COBB carrying what appears to be a rifle.

7. Following this information, Deputy Collins and Sergeant (SGT) Theron Caynor executed a search warrant on the garage located at 289 Radabaugh Ridge Road, Buckhannon WV 26201. During the search officers located a Remington Model 700 muzzleloader, a box of .410 shotgun shells, and various items of drug paraphernalia.

8. After these items were located a second search warrant was obtained for a Mr. Cobb's Chevrolet Tahoe that was located in the driveway of the residence. The search warrant was executed, and Deputy Collins discovered a silver and black break-action shotgun and a separate silver barrel. The firearm is a Rossi .410/.22 combination. That is, the shotgun barrel is interchangeable and it will fire either a .410 shotgun shell or a .22 bullet.

9. We are not alleging that the muzzle loader is a firearm under federal law; however, the Rossi .410 shotgun meets the definition of a federal firearm and it was manufactured outside the state of West Virginia. Mr. Cobb has prior convictions of misdemeanor crimes of domestic violence, to wit: 10-25-07 Mr. COBB was convicted of Domestic Battery in Upshur County Magistrate Court case number 07M-909, and on July 10, 2008, Mr. COBB was convicted of Domestic Battery - Second Offense in Upshur County Magistrate Court case number 08M-526.

Respectfully submitted,



Joshua Michael Tallman

Subscribed and sworn to before me on Sept. 15, 2023 : by phone



HON. MICHAEL JOHN ALO
UNITED STATES MAGISTRATE JUDGE